

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ZACHARY R. WILLIAMS

CASE NO. _____

Plaintiff,

vs.

COMPLAINT

AVERITT EXPRESS, a Tennessee
Corporation, and VERNA BAZILE,
RUSSELL STOVER CANDIES, LLC.

Defendants.

CAUSE OF ACTION

COMES NOW the Plaintiff, Zachary R. Williams, and for his cause of action against the Defendants, Averitt Express, and Verna Bazile alleges and states as follows:

PARTIES

1. The Plaintiff is a resident of Bellevue, Sarpy County, Nebraska.
2. The Defendant, Averitt Express, is a Tennessee Corporation licensed to do business in the State of Nebraska including Douglas County, Nebraska.
3. Verna Bazile is a resident of Kansas City, Missouri, and is an employee of Defendant Averitt Express.
4. Verna Bazile was the operator of a 2015 Volvo Semi tractor and trailer vehicle, owned by Averitt Express.
5. The Defendant, Russell Stover Candies, is a Missouri corporation and the employer of plaintiff. Russell Stover provided workers compensation benefits to the plaintiff. This defendant is named and included in this complaint by operation of Neb. Rev. Stat. § 48-118.
6. At all times relevant to this matter, Verna Bazile (hereinafter "Bazile") was acting in the scope and course of his employment, in furtherance of the business of Defendant Averitt Express, and therefore, Defendant Averitt Express is responsible for the actions of Bazile by the operation of *respondeat superior*.

DUTY

7. Defendants, Bazile and Averitt Express have at all times a duty to exercise reasonable care in the operation of the semi-tractor and trailer he was operating at the time of the events described in this complaint.

8. Defendant, Averitt Express had at all times a duty to exercise reasonable care in the hiring, training, and supervision of its employees.

SCOPE OF LIABILITY

9. At all times material hereto, Defendant Averitt Express and its employee, Bazile provided interstate hauling and delivery services.

10. These interstate hauling and delivery services included inventory deliveries to a Russell Stover store located in Omaha, Douglas County, Nebraska. (Image 1).

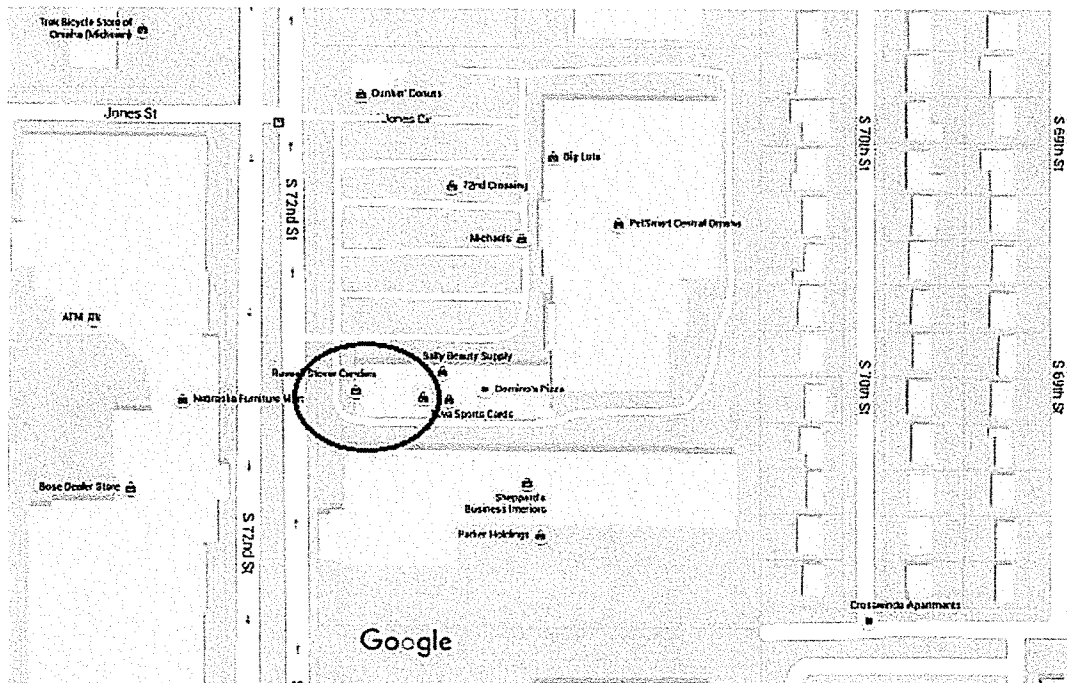


Image 1.

11. Delivery of store inventory in Omaha required Defendant to deliver to an unloading platform, located at the rear of the store (south side). (Image 2).



Image 2.

12. The unloading platform location requires the delivery driver to pull down an alley, driving west, pass the platform, and then back up to it.

13. The delivery driver must back the trailer to a spot which is close enough to allow the platform to rise to the level of the trailer floor but not so close as to impede the raising or lowering of the platform. (Images 3 & 4).

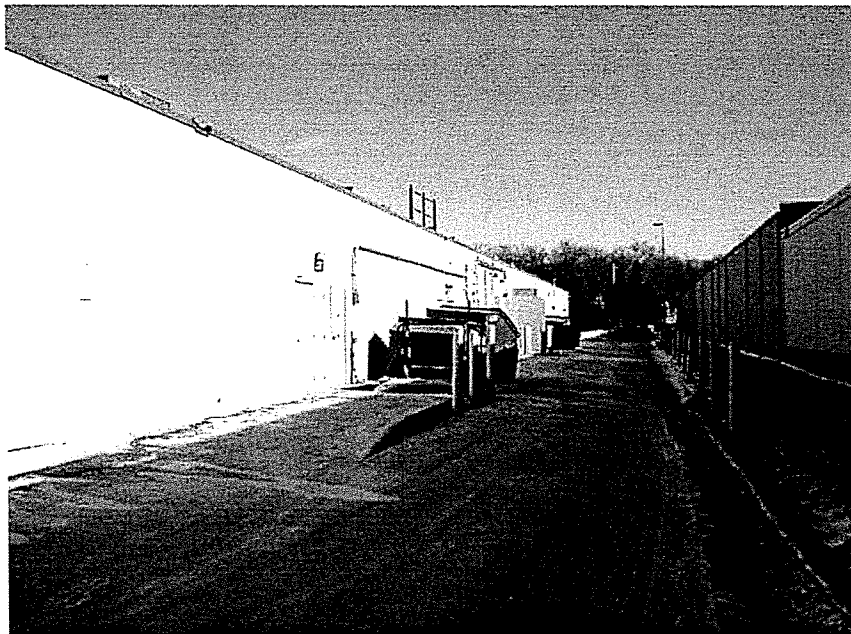


Image 3



Image 4

14. The delivery platform is guarded on the south by fixed, steel columns and on the north by the wall of the store, requiring the delivery driver to precisely back his trailer in.

15. Store employees are required to unload, or assist in unloading the delivery trucks.

16. If a delivery truck or trailer is not lined up (north and south) with the platform correctly, the inventory cannot be unloaded and a driver will have to move and realign the trailer.

17. If a delivery truck is not in the correct location (east and west) the trailer will either be too far away for the platform to reach, or so close that the platform cannot lift, and the driver will have to move and realign the trailer.

18. Performing this process is difficult for any tractor-trailer driver.

19. Performing this process is much more difficult for a driver who is tired, at the end of a long day.

20. If the driver performing this process is not precise and careful that driver can push his trailer into anyone or anything around him.

21. If the driver performing this process is not precise and careful that driver can damage or destroy property.

22. If the driver performing this process is not precise and careful that driver can injure or kill anyone nearby.

BREACH

23. Defendant, Averitt Express did not reasonably investigate the driving qualifications and safety record of Verna Bazile.

24. Defendant, Averitt Express did not have reasonable safety rules for hiring of safe and qualified drivers.

25. Defendant, Averitt Express did not follow its own safety rules in the hiring of Verna Bazile.

26. Defendant, Averitt Express did not have reasonable safety rules for training of safe and qualified drivers.

27. Defendant, Averitt Express did not follow its own safety rules for training drivers.

28. Defendant, Averitt Express did not have reasonable rules for supervision of driver safety including hours worked, miles driven and driving while fatigued.

29. Defendant, Averitt Express did not follow its own safety rules for supervision of drivers.

30. Defendant, Verna Bazile did not receive reasonable safety training from Defendant, Averitt Express.

31. Defendant, Verna Bazile did not receive reasonable safety supervision from Defendant, Averitt Express.

32. Defendant, Verna Bazile did not have reasonable experience, reasonable qualifications, or a reasonable safety record to drive for Defendant Averitt Express.

33. Defendant, Verna Bazile did not know Averitt Express' safety rules for operating a semi-tractor trailer.

34. Defendant, Verna Bazile did not know industry safety rules for operating a semi-tractor trailer.

35. Defendant, Verna Bazile chose to ignore the safety rules for driving a semi-tractor trailer.

CAUSE

36. Early, on January 7, 2015, Verna Bazile left Kansas City, Missouri, driving a semi-tractor trailer for Averitt Express.

37. During the day of January 7, 2015, Verna Bazile made multiple deliveries, including deliveries in South Dakota and Iowa.

38. At approximately 8:00 o'clock, p.m., on January 7, 2015, Defendant, Verna Bazile, arrived at the Russell Stover Candies, Omaha store location.

39. Defendant Verna Bazile backed his truck up to the unloading platform behind the Russell Stover store.

40. A store employee then attempted to unload the trailer, but the trailer was not aligned correctly and the platform could not reach the trailer.

41. The Defendant, Verna Bazile indicated he would move the truck to line it up correctly.

42. The Defendant, Verna Bazile pulled the truck forward.

43. The Defendant, Verna Bazile backed the truck up and accelerated.

44. The Defendant, Verna Bazile backed his truck up, too far, and the trailer rode up and onto the loading platform

45. The employee on the platform did not have time to react to get out of the way.

46. The trailer moved so far back that it pinned the employee between the trailer and a guardrail on the east side of the unloading platform.

47. The Defendant, Verna Bazile did not know he had pinned the employee, until Bazile got out of the truck and went behind and saw that he had pinned the employee.

HARMS AND LOSSES

48. The Russell Stover Candies employee who was pinned by Defendants' truck is Zachary Williams.

49. When Plaintiff, Zachary Williams was pinned between the trailer and the railing his pelvis was crushed.

50. Plaintiff, Zachary Williams experienced a fractured pelvis when pinned.

51. Plaintiff, Zachary Williams experienced a broken fibula when pinned.

52. Plaintiff, Zachary Williams experienced a broken sacrum when pinned.

53. Plaintiff, Zachary Williams experienced nerve injuries when pinned.

54. Plaintiff, Zachary Williams experienced damage to his internal organs when pinned.

55. Plaintiff, Zachary Williams experienced secondary effects of nerve damage when pinned.

56. Plaintiff, Zachary Williams experienced fear when pinned.

57. Plaintiff, Zachary Williams experienced worry when pinned.
58. Plaintiff, Zachary Williams experienced anxiety when pinned.
59. Plaintiff, Zachary Williams experienced sleep disturbances after being pinned.
60. Plaintiff, Zachary Williams experienced lost time from work after being pinned.
61. Plaintiff, Zachary Williams experienced embarrassment while recovering from injuries when pinned.
62. Plaintiff, Zachary Williams experience loss of enjoyment of life after being pinned.
63. Plaintiff, Zachary Williams experienced a loss of earning capacity, after being pinned.
64. Plaintiff, Zachary Williams experienced lost time from college studies while recovering from his injuries.
65. Plaintiff, Zachary Williams experienced lost tuition payments while out of school recovering from his injuries.
66. Plaintiff, Zachary Williams' injuries from being pinned are permanent.
67. Plaintiff, Zachary Williams can expect, in the future, to experience all of these economic and non-economic damages listed in paragraphs 49 – 65.
68. Plaintiff, Zachary Williams underwent medical treatment for the injuries he received when pinned.
69. Plaintiff, Zachary Williams received bills for medical treatment for the injuries he received when pinned.
70. As a direct and proximate result of his injuries, the Plaintiff will suffer future lost wages and an impairment of his earning capacity.

WHEREFORE, Plaintiff prays for a judgment against the Defendants for his medical expenses past and future; lost income past and future; lost earning capacity; past and future physical pain and emotional suffering, anxiety, worry, stress, embarrassment, humiliation and loss of enjoyment of life; the Plaintiff's injuries are permanent and he may reasonably expect to suffer future physical pain, emotional suffering, anxiety, worry, stress, embarrassment, humiliation and loss of enjoyment of life; and for such other and further relief as the Court may deem appropriate.

ZACHARY R, WILLIAMS, Plaintiff,

A handwritten signature in black ink, appearing to read "Matthew A. Lathrop", written in a cursive style.

By

Matthew A. Lathrop, #19558
LAW OFFICE OF MATTHEW A. LATHROP, PC, LLO
2215 Harney Street, Suite 200
Omaha, NE 68102
(402) 614-7744
ATTORNEY FOR PLAINTIFF

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ZACHARY R. WILLIAMS,

Plaintiff,

vs.

AVERITT EXPRESS, a Tennessee
Corporation, and VERNA BAZILE,
RUSSELL STOVER CANDIES, LLC

Defendants.

CASE NO. _____

PRAECIPE

TO: The Clerk of Said Court

PLEASE ISSUE SUMMONS for service of the Complaint **by certified mail** upon the
Defendants, as follows:

AVERITT EXPRESS, INC.
C. DALE ALLEN
424 CHURCH STREET, STE. 2700
NASHVILLE, TN 37219-2380

RUSSELL STOVER CANDIES, LLC
CT CORPORATION SYSTEM
5601 SOUTH 59TH STREET
LINCOLN, NE 68516

ZACHARY R. WILLIAMS, Plaintiff,

By: /s/



Matthew A. Lathrop, #19558
MILLER LATHROP PC, LLO
9290 WEST DODGE ROAD, SUITE #100
Omaha, NE 68114
(402) 558-4900 telephone
ATTORNEY FOR PLAINTIFF

Image ID:
D00351785D01

SUMMONS

Doc. No. 351785

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Zachary R Williams v. Averitt Express

Case ID: CI 15 9666

TO: Russell Stover Candies, LLC

FILED BY
Clerk of the Douglas District Court
11/05/2015

You have been sued by the following plaintiff(s):

Zachary R Williams

Plaintiff's Attorney: Matthew A Lathrop
Address: 9290 West Dodge Road, Ste 100
Omaha, NE 68114

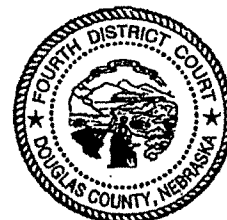
Telephone: (402) 558-4900

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: NOVEMBER 5, 2015

BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Russell Stover Candies, LLC
CT Corporation System, RA
5601 So. 59th St.
Lincoln, NE 68516

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

Image ID:
D00351784D01

SUMMONS

Doc. No. 351784

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Zachary R Williams v. Averitt Express

Case ID: CI 15 9666

TO: Averitt Express

FILED BY
Clerk of the Douglas District Court
11/05/2015

You have been sued by the following plaintiff(s):

Zachary R Williams

Plaintiff's Attorney: Matthew A Lathrop
Address: 9290 West Dodge Road, Ste 100
Omaha, NE 68114

Telephone: (402) 558-4900

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: NOVEMBER 5, 2015

BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Averitt Express
Dale C Allen
425 Church Street Suite 2700
Nashville, TN 37219

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

Case Number: D01CI150009666

Transaction ID: 0003045294

Filing Date: 11/16/2015 11:00:20 AM CST

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ZACHARY R. WILLIAMS,

Plaintiff,

vs.

AVERITT EXPRESS, a Tennessee
Corporation, and VERNA BAZILE,
RUSSELL STOVER CANDIES, LLC

Defendants.

CASE NO. CI-15-9666

PRAECIPE

TO: The Clerk of Said Court

PLEASE ISSUE SUMMONS for service of the Complaint by **certified mail** upon the
Defendant, as follows:

VERNA BAZILE
214 BRESEMAN ST.
CEDAR HILL, TX 75104-1233

ZACHARY R. WILLIAMS, Plaintiff,

By: /s/



Matthew A. Lathrop, #19558
MILLER LATHROP PC, LLO
9290 WEST DODGE ROAD, SUITE #100
Omaha, NE 68114
(402) 558-4900 telephone
ATTORNEY FOR PLAINTIFF

Image ID:
D00353432D01

SUMMONS

Doc. No. 353432

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Zachary R Williams v. Averitt Express

Case ID: CI 15 9666

TO: Verna Bazile

FILED BY
Clerk of the Douglas District Court
11/16/2015

You have been sued by the following plaintiff(s):

Zachary R Williams

Plaintiff's Attorney: Matthew A Lathrop
Address: 9290 West Dodge Road, Ste 100
Omaha, NE 68114

Telephone: (402) 558-4900

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: NOVEMBER 16, 2015

BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Verna Bazile
214 Breseman St
Cedar Hill, TX 75104-1233

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

Case Number: D01CI150009666

Transaction ID: 0003055966

Filing Date: 11/18/2015 09:05:27 AM CST

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ZACHARY R. WILLIAMS,

Plaintiff,

vs.

AVERITT EXPRESS, a Tennessee
Corporation, and VERA BAZILE,
RUSSELL STOVER CANDIES, LLC

Defendants.

CASE NO. CI-15-9666

PRAECIPE

TO: The Clerk of Said Court

PLEASE ISSUE SUMMONS for service of the Complaint by **certified mail** upon the
Defendants, as follows:

AVERITT EXPRESS, INC.
ATTN: C. DALE ALLEN
424 CHURCH STREET, STE. 2700
NASHVILLE, TN 37219-2380

ZACHARY R. WILLIAMS, Plaintiff,

By: /s/



Matthew A. Lathrop, #19558
MILLER LATHROP PC, LLO
9290 WEST DODGE ROAD, SUITE #100
Omaha, NE 68114
(402) 558-4900 telephone
ATTORNEY FOR PLAINTIFF

Image ID:
D00354014D01

SUMMONS

Doc. No. 354014

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Zachary R Williams v. Averitt Express

Case ID: CI 15 9666

TO: Averitt Express

FILED BY
Clerk of the Douglas District Court
11/18/2015

You have been sued by the following plaintiff(s):

Zachary R Williams

Plaintiff's Attorney: Matthew A Lathrop
Address: 9290 West Dodge Road, Ste 100
Omaha, NE 68114

Telephone: (402) 558-4900

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: NOVEMBER 18, 2015

BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Averitt Express
Dale C Allen
425 Church Street Suite 2700
Nashville, TN 37219

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

*** EFILED ***

Case Number: D01CI150009666

Transaction ID: 0003069702

Filing Date: 11/20/2015 03:54:48 PM CST

SERVICE RETURN

Doc. No. 351785

Douglas District Court

1701 Farnam

Omaha

NE 68183

To:

Case ID: CI 15 9666 Zachary R Williams v. Averitt Express

Received this Summons on _____, I hereby certify that on _____

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>Josh Holbrook</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery _____</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>CT Corporation System, PA 5601 So. 59th Street Lincoln, NE 68516</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number 7013 2250 0002 3500 3012</p> <p>(Transfer from si)</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: Russell Stover Candies LLC c/o CT Corporation SystemAt the following address: 5601 So. 59th Street
Lincoln, Nebraska 68516on the 10TH day of November 2015, as required by Nebraska state law.Postage \$ 6.95 Attorney for: Zachary WilliamsThe return receipt for mailing to the party was signed on November 16TH 2015.

To: Russell Stover Candies, LLC
CT Corporation System, RA
5601 So. 59th St.
Lincoln, NE 68516

From: Matthew A Lathrop
9290 West Dodge Road, Ste 100
Omaha, NE 68114

ATTACH RETURN RECEIPT & RETURN TO COURT

Certificate of Service

I hereby certify that on Monday, November 23, 2015 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Bazile,Verna, service method: Certified Mail

Russell Stover Candies, LLC service method: Certified Mail

Averitt Express service method: Certified Mail

Signature: /s/ Lathrop,Matthew,A (Bar Number: 19558)

*** EFILED ***

Case Number: D01CI150009666

Transaction ID: 0003084094

Filing Date: 11/25/2015 09:48:08 AM CST

Doc. No. 353432

SERVICE RETURN

Douglas District Court
1701 Farnam
Omaha NE 68183

To:

Case ID: CI 15 9666 Zachary R Williams v. Averitt Express

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Verna Bazile</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Verna Bazile</i> <i>214 Breseman St.</i> <i>Cedar Hill, TX 75104</i> <i>1233</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from s) <i>7013 2250 0002 3500 3029</i></p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt (Sheriff or authorized person)</p>	

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail.

TO THE PARTY: *Verna Bazile*At the following address: *214 Breseman St.**Cedar Hill, TX 75104.*on the *16th* day of *November* *2015*, as required by Nebraska state law.Postage \$ *6.95* Attorney for: *Zachary Williams*The return receipt for mailing to the party was signed on *November 21, 2015*

To: Verna Bazile
214 Breseman St

Cedar Hill, TX 75104-1233

From: Matthew A Lathrop
9290 West Dodge Road, Ste 100
Omaha, NE 68114

ATTACH RETURN RECEIPT & RETURN TO COURT

Certificate of Service

I hereby certify that on Wednesday, November 25, 2015 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Russell Stover Candies, LLC service method: First Class Mail

Averitt Express service method: First Class Mail

Bazile,Verna, service method: First Class Mail

Signature: /s/ Lathrop,Matthew,A (Bar Number: 19558)

*** EFILED ***

Case Number: D01CI150009666

Transaction ID: 0003091554

Filing Date: 11/30/2015 02:59:29 PM CST
Doc. No. 354014

SERVICE RETURN

Douglas District Court
1701 Farnam
Omaha NE 68183

To:

Case ID: CI 15 9666 Zachary R Williams v. Averitt Express

Received this Summons on _____, I hereby certify that on _____

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Matthew A Lathrop</i></p>	
<p>1. Article Addressed to:</p> <p><i>Averitt Express Inc. Dale C. Allen 425 Church St. Ste 2700 Nashville, TN 37219</i></p>		<p>B. Received by (Printed Name) <i>Michael Allen</i></p> <p>C. Date of Delivery <i>11-25-15</i></p>	
<p>2. Article Number (Transfer from si) <i>7013 2250 0002 3500 3036</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, July 2013</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>Domestic Return Receipt</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

CERTIFIED MAIL
PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: *Averitt Express Inc.*At the following address: *425 Church Street, Suite #2700*
*Nashville TN 37219*on the *18TH* day of *November* *2015* as required by Nebraska state law.Postage \$ *6.95* Attorney for: *Zachary Williams*The return receipt for mailing to the party was signed on *November 25, 2015*To: Averitt Express
Dale C Allen
425 Church Street Suite 2700
Nashville, TN 37219From: Matthew A Lathrop
9290 West Dodge Road, Ste 100
Omaha, NE 68114

ATTACH RETURN RECEIPT & RETURN TO COURT

Certificate of Service

I hereby certify that on Monday, November 30, 2015 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Averitt Express service method: No Service

Russell Stover Candies, LLC service method: No Service

Bazile,Verna, service method: No Service

Signature: /s/ Lathrop,Matthew,A (Bar Number: 19558)



IN THE DISTRICT

001239501D01

CITY, NEBRASKA

ZACHARY WILLIAMS,

Plaintiff,

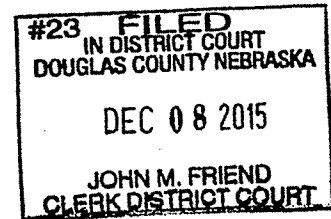
vs.

AVERITT EXPRESS, VERNA BAZILE, and
RUSSELL STOVER CANDIES, LLC,

Defendants.

Case No. CI 15-9666

ANSWER



COMES NOW, Defendant, Russell Stover Candies, LLC. (hereafter referred to as "Russell Stover") and for its Answer to Plaintiff's Complaint states as follows:

1. Russell Stover admits paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70 of Plaintiff's Complaint.

2. Specifically, that Russell Stover affirmatively alleges it employed the Plaintiff and that, through its workers' compensation policy, Plaintiff received workers' compensation benefits as a result of his work-related accident which occurred on or about January 7, 2015. Russell Stover further admits that it was joined as a defendant for subrogation purposes only pursuant to Neb. Rev. Stat. § 48-118, et. seq.

2. To the extent that Complaint refers to Russell Stover as Defendant, the allegations are denied.

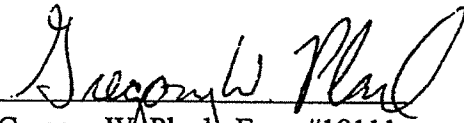
3. Russell Stover, through its workers' compensation carrier, has provided benefits, to date, for the work-related injury of \$115,752.59 pursuant to the Workers' Compensation Act.

4. Russell Stover affirmatively alleges it has a subrogation interest in this matter pursuant to Neb Rev. Stat. § 48-118, et. seq.

WHEREFORE, Russell Stover, through its workers' compensation policy, asserts a statutory subrogation lien for workers' compensation benefits paid or to be paid in the future to Plaintiff, Zachary Williams, against any judgment he obtains from the remaining Defendants, Averitt Express and Verna Bazile. In addition, Russell Stover asserts any right for future credits against any net judgment.

RAY LEGO & ASSOCIATES

By:


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